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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,402	10/24/2000	Kurt Jonach	80398.P364	3658
7590	03/22/2005		EXAMINER	
Sheryl Sue Holloway BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 7th Floor 12400 Wilshire Boulevard Los Angeles, CA 90025			NGUYEN, CAO H	
			ART UNIT	PAPER NUMBER
			2173	
			DATE MAILED: 03/22/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/696,402	JONACH ET AL.	
	Examiner Cao (Kevin) Nguyen	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 20-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 20-77 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20-38, 42-54, 58-70 and 74-77 are rejected under 35 U.S.C. 102(b) as being anticipated by Hetherington. (US Patent No. 6,388,686 B1).

Regarding claim 20, Hetherington discloses a computerized apparatus for viewing images comprising: a dial capable of being dialed through rotations a set of files [..a rotate user interface control for selectively change; see col. 3, lines 63-67]; and means for connecting the dial to the set of files wherein by manipulating the dial through rotations, the set of files can be sequentially displayed [..which operate to change the currently selected display items from one item to the next in an sequence of display item; see col. 4, lines 1-7].

Regarding claim 21, Hetherington discloses further comprising means for increasing the speed of sequentially displaying the set of files [a user interface control changing a current display item progressively through a sequence of display items forming a loop; see col. 2, lines 23-31].

Regarding claims 22 and 23, Hetherington discloses further comprising means for modifying the set of files; and further comprising: means for sequentially viewing individual files across more than one set of files [see col. 4, lines 27-51 and figure 2A].

Regarding claim 24, Hetherington discloses a computer-readable medium having computer-executable instructions to cause a computer to perform a method comprising: linking a set of files, and coupling a dial with the set of file; the dial capable of being dialed through rotations, and wherein the set of files is sequentially displayed when the dial is dialed (see col. 16, lines 14-54).

Regarding claims 25 and 26, Hetherington discloses having further computer-executable instructions wherein a dial setting further increases a speed that the files are sequentially displayed; and having further computer-executable instructions wherein the dial has a stop point where file sequencing is stopped and one file is displayed (see col. 16, lines 55-67 and figures 2A-2F).

Regarding claims 27 and 28, Hetherington discloses having further computer-executable instructions wherein pushing the dial in will select the file; and having further computer-executable instructions wherein pushing the dial in will allow sequencing of files across more than one set of files (see col. 5, lines 25-65).

As claims 29-30 are analyzed as previously discussed with respect to claims 24-28 above.

Regarding claims 31-33, Hetherington discloses wherein the set of sequentially linked files are modified to flag a file location; and wherein the computer-readable medium activates

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the dial to display files sequentially across more than one set of sequentially linked files (see col. 6, lines 1-21 and figures 3A-6A).

Regarding claim 34, Hetherington discloses a networked server system comprising: means for posting a linked set of files for display; and means for sequentially displaying the content of the linked set of files via a dial capable of being dialed through rotations (see col. 2, lines 33-50).

As claims 34-40 and 43 are analyzed as previously discussed with respect to claims 1 and 31-34 above.

Regarding claims 44 and 60, Hetherington discloses a method for presenting presentations, the method comprising: receiving an input via an interface representing a user manipulable dial capable of being dialed through rotations; and sequentially displaying at least one presentation from a preselected set of presentations in response to the input (see figures 2A-4).

Regarding claim 45, Hetherington discloses wherein the input is received by visually dialing the user manipulable dial (see figures 2A-2F).

As claims 47-49, 50-54, 58-59 and 61-68 are analyzed as previously discussed with respect to claims 1 and 31-34 above.

Regarding claim 69, Hetherington discloses wherein the method further comprises: determining a dialing speed of the dialing; and sequentially displaying the at least one presentation in a presentation rate associated with the dialing speed (see col. 18, lines 1-13).

As claims 70 and 74-77 are analyzed as previously discussed with respect to claims 1, 31-34 and 44 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 39-41, 55-57 and 71-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hetherington in view of Wynn et al. (US Patent No. 6,734,883).

Regarding claims 39-41, Hetherington discloses a dial to select a set of file (see abstract); however, Hetherington fails to explicitly teach the dial can be pushed in to select a file.

Wynn discloses the dial can be pushed in to select a file (see col. 6, lines 19-64). It would have been obvious to one of an ordinary skill in the art at the time the invention was to provide the dial can be pushed in to select a file as taught by Wynn to the rotate user control of Hetherington in order in order to enhance user friendly generally intuitive interface for user with

a computer system which has sufficient flexibility and capability to be used in a variety of different visually dialed through rotations display on screen.

Regarding claims 55-57, Wynn discloses detecting a first operation of pushing-in the dial; selecting the presentation corresponding to the still image in response to the first operation of pushing-in (see col. 5, lines 27-65 and figure 8).

As claims 71-73 are analyzed as previously discusses with respected to claims 55-57 above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Cao (Kevin) Nguyen

Primary Examiner

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03/15/05